

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C. 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

APR 03 2002

RECEIVED

TECH CENTER 1600/2900

Date of mailing (day/month/year) 14 February 2000 (14.02.00)	
International application No. PCT/AU99/00523	Applicant's or agent's file reference 91738
International filing date (day/month/year) 29 June 1999 (29.06.99)	Priority date (day/month/year) 29 June 1998 (29.06.98)
Applicant HERZOG, Herbert	

1. The designated Office is hereby notified of its election made:

☒

in the demand filed with the International Preliminary Examining Authority on:

18 January 2000 (18.01.00)

☐

in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was☐

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Juan Cruz Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 91738	<div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">FOR FURTHER ACTION</div> <div>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</div> </div>	
International application No. PCT/AU 99/00523	International filing date (<i>day/month/year</i>) 29 June 1999	(Earliest) Priority Date (<i>day/month/year</i>) 29 June 1998
Applicant GARVAN INSTITUTE OF MEDICAL RESEARCH et al.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (See Box II).

4. With regard to the title, ☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract, ☒ the text is approved as submitted by the applicant

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure

☐ because this figure better characterizes the invention

☒ None of the figures

INTERNATIONAL SEARCH REPORT

International application No.
PCT/AU 99/00523

A. CLASSIFICATION OF SUBJECT MATTER												
Int Cl ⁶ : C12N 15/12 C07K 14/72, 16/28 C12 19/34 G01N 33/58												
According to International Patent Classification (IPC) or to both national classification and IPC												
B. FIELDS SEARCHED												
Minimum documentation searched (classification system followed by classification symbols) DGENE and WPAT SEE BELOW												
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched DNA DATA BASES (SWISS PROT, GENBANK, EMBL, PIR) SEE BELOW												
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DNA DATABASES: SEQ ID NOS 2 and 3 (entire sequences) and amino acids 1-15 of SEQ ID NOS 2 and 3 DGENE: SEQ ID NO 2 (1-175 and 1-15) and SEQ ID NO 1 WPAT: (NPY receptor) or (neuropeptide Y receptor)												
C. DOCUMENTS CONSIDERED TO BE RELEVANT												
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.										
PX	EP, A 0 884 387 (SMITHKLINE BEECHAM CORPORATION) 16 December 1998 See page 6 and table 2 in particular	1-26										
PX	Biochem. Biophys. Res. Comm. 256, pages 352-6 (1999) "Sequence and tissue distribution of a novel G-protein-coupled receptor expressed prominently in human placenta." Cikos, S. et al. See the entire document.	1-26										
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex												
<p>* Special categories of cited documents:</p> <table border="0"> <tr> <td>"A" document defining the general state of the art which is not considered to be of particular relevance</td> <td>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td>"E" earlier application or patent but published on or after the international filing date</td> <td>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</td> <td>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td>"O" document referring to an oral disclosure, use, exhibition or other means</td> <td>"&" document member of the same patent family</td> </tr> <tr> <td>"P" document published prior to the international filing date but later than the priority date claimed</td> <td></td> </tr> </table>			"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family	"P" document published prior to the international filing date but later than the priority date claimed	
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"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art											
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family											
"P" document published prior to the international filing date but later than the priority date claimed												
Date of the actual completion of the international search 14 July 1999		Date of mailing of the international search report 21 JUL 1999										
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200 WODEN ACT 2606 AUSTRALIA Facsimile No.: (02) 6285 3929		Authorized officer TERRY MOORE Telephone No.: (02) 6283 2569										

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 99/00523

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	Trends in Neuroscience 20(7) pages 294-8 (1997) "Y-receptor subtypes-how many more?" Blomqvist, A.G. and Herzog, H. See the entire document.	1-26
A	WO, A 96 34877 (HUMAN GENOME SCIENCES, INC.) 7 November 1996 See the entire document.	1-26

INTERNATIONAL SEARCH REPORT
Information on patent family members

International application No.
PCT/AU 99/00523

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member	
WO	96 34877	AU	24707/95	EP	0 828 751
					END OF ANNEX

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 91738	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International application No. PCT/AU 99/00523	International filing date (<i>day/month/year</i>) 29 June 1999	Priority Date (<i>day/month/year</i>) 29 June 1998
International Patent Classification (IPC) or national classification and IPC Int. Cl.⁷ C12N 15/12; C07K 14/72, 16/28; C12P 19/34; G01N 33/58.		
Applicant GARVIN INSTITUTE OF MEDICAL RESEARCH <i>et al</i>		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																								
2.	This REPORT consists of a total of 4 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s).																								
3. This report contains indications relating to the following items: <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 5%;">I</td> <td style="width: 5%;"><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input checked="" type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table>		I	<input checked="" type="checkbox"/>	Basis of the report	II	<input type="checkbox"/>	Priority	III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input checked="" type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input type="checkbox"/>	Certain observations on the international application
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VII	<input type="checkbox"/>	Certain defects in the international application																							
VIII	<input type="checkbox"/>	Certain observations on the international application																							

Date of submission of the demand 18 January 2000	Date of completion of the report 7 February 2000
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer J.H. CHAN Telephone No. (02) 6283 2340

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , filed with the letter of .
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , filed with the letter of .

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

- ☒ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-25	YES
	Claims	NO
Inventive step (IS)	Claims 1-25	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-25	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

D1 EP, A, 0884387.
D2 Cikos S. et al in Biochem. Biophys. Res. Comm.
D3 Blomqvist A G and Herzog H in Trends in Neuroscience.
D4 WO, A, 96 34877.

Novelty and inventive step:

Documents D1 and D2 are published prior to the filing date but after the priority date of this international application unless the priority of this international application is challenged, these documents cannot form part of the prior art under rule 33 of the PCT

None of the documents D3 and D4 teaches the NPY-Y7 receptor gene or protein, the use of the gene for transformation and diagnostic purpose as such the invention as claimed in claims 1-25 is novel and involves an inventive step in the light of these documents.

Industrial applicability:

The invention as defined in claims 1-25 is deemed to have industrial applicability.

VI. Certain documents cited**1. Certain published documents (Rule 70.10)**Application No.
Patent No.Publication date
(day/month/year)Filing date
(day/month/year)Priority date (valid claim)
(day/month/year)

EP 088437

16 December 1998

9 June 1998

11 June 1997

The citation discloses human 7-transmembrane receptor HLWAR77 which has the nucleic acid and amino acid sequences with over 90% identity to the SEQ ID NOs 2 and 4 of the current international application. However the N terminal of the amino acid sequence disclosed the citation is MNEKWDTSSE which is not the same as the SEQ ID NO 1 as defined in claim 1 of the current international application.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure referring to
non-written disclosure
(day/month/year)